

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Francis C Osei Fosu,

Petitioner,

v.

Case No. 20-CIV-297-RAW

Paul B. Hunker, III (DIR)

Shannon Clark (DIR),

Respondents.

ORDER

On August 27, 2020, Petitioner, appearing *pro se*, filed a Motion for Review Allegations and Constitutional Claims treated as a motion to review a BIA decision and a 28 U.S.C. § 2241 petition for writ of habeas corpus [Docket No. 1]. On December 23, 2020 Respondents filed a response and requested that the court dismiss the claims of Petitioner due to lack of jurisdiction. Any request for review of a BIA decision must be taken to the appropriate Circuit Court. *See* 8 U.S.C. § 1252(a)(5). This court has no jurisdiction and the motion for review is denied.

When the petition was filed, Petitioner was in custody of Department of Homeland Security at the Moore Detention Center in Okmulgee, OK awaiting deportation by the United States Immigration and Customs Enforcement ("ICE").

Based on the response, Petitioner was removed on September 29, 2020 from the United States to Ghana, pursuant to his final order of removal and is no longer in ICE custody [Docket No. 6-4]. Accordingly, any 28 U.S.C. § 2241 petition is rendered moot. The relief Petitioner requests is no longer available and cannot be redressed by a favorable judicial decision. *Riley v. INS*, 310 F.3d 1253, 1257 (10th Cir. 2002). Additionally, the record does not reflect any allegations of the exceptions to the mootness doctrine, so as to require the court

to undertake review of these exceptions. *Id.*, at 1256-57. Further, Petitioner has not filed any reply to the response.

The Motion for Review Allegations and for Constitutional Claims/Petition for Writ of Habeas Corpus [Docket No. 1] is dismissed without prejudice for lack of jurisdiction based on mootness.

ORDERED this 27th day of January, 2021.

A handwritten signature in cursive script, reading "Ronald A. White".

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA